

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. (currently amended): ~~An Her-2/neu plasmid construct having anti-cancer activity which is prepared by inserting A pTV2 or pCK vector comprising a nucleotide sequence encoding a truncated human Her-2/neu gene~~protein, said truncated human Her-2/neu protein lacking the an intracellular domain into plasmid pTV2 or pCK.
2. (currently amended): The ~~plasmid construct~~ vector of claim 1, wherein the human Her-2/neu gene has the nucleotide sequence of SEQ ID NO: 2.
3. (currently amended): The ~~plasmid construct~~ vector of claim 2, which is pNeu_{TM} (KCCM-10393) or pCK_{TM} (KCCM-10396).
4. (withdrawn) The plasmid construct of claim 1, whrein the truncated human Her-2/neu gene further lacks the transmembrane domain.
5. (withdrawn) The plasmid construct of claim 4, wherein the human Her-2/neu gene has the nucleotide of SEQ ID NO: 3.
6. (withdrawn) The plasmid construct of claim 5, which is pNeu_{ECD} (KCCM-10394) or pCK_{ECD} (KCCM-10395).
7. (withdrawn) The plasmid construct of claim 1, wherein the signal peptide of the human Her-2/neu gene is replaced by the signal peptide of herpes simplex type I glycoprotein D (gD).

8. (withdrawn) The plasmid construct of claim 7, which is pNeuTM-gDs.
9. (withdrawn) The plasmid construct of claim 4, wherein the signal peptide of the human Her-2/neu gene is replaced by the signal peptide of herpes simplex type I glycoprotein D (gD).
10. (withdrawn) The plasmid construct of claim 7, which is pNeu^{ECD}-gDs.
11. (currently amended): ~~The plasmid construct~~ vector of claim 1, which further ~~translates a cytokine gene besides the human Her-2/neu gene~~ comprises a nucleotide sequence encoding a cytokine.
12. (currently amended): ~~The plasmid construct~~ vector of claim 11, wherein the ~~cytokine gene is selected from the group consisting of~~ granulocyte-macrophage colony-stimulating factor (GM-CSF), ~~FMS-like tyrosine kinase 3 ligand (Flt3L), early T lymphocyte activation 1 (Eta-1), interleukin 12 (IL-12), IL-15 and IL-18.~~
13. (currently amended): A DNA vaccine composition ~~for preventing and/or treating cancer, which comprises the plasmid construct of claim 1 as an effective ingredient and a pharmaceutically acceptable carrier comprising a pTV2 vector or pCK vector which comprises a nucleotide sequence encoding a truncated human Her-2/neu protein, said truncated human Her-2/neu protein lacking an intracellular domain.~~
14. (currently amended): The DNA vaccine composition of claim 13, which further ~~comprises a cytokine gene expressing plasmid~~ which expresses a gene encoding a cytokine.
15. (currently amended): The DNA vaccine composition of claim 14, wherein the ~~cytokine gene is selected from the group consisting of~~ GM-CSF, Flt3L, Eta-1, IL-12, IL-15 and IL-18.

16. (currently amended): A method for preventing and/or treating cancer, which comprises the step of administering an effective amount of the DNA vaccine composition of claim 13.

17. (new): The DNA vaccine composition of claim 13, wherein the pTV2 vector or pCK vector further comprises a nucleotide sequence encoding a cytokine.

18. (new): The DNA vaccine composition of claim 17, wherein the cytokine is GM-CSF.